

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND)	
COMPOUNDING PHARMACY, INC.)	Master Docket No. 1:13-md-2419-FDS
PRODUCTS LIABILITY LITIGATION)	
)	
CONSTANCE GAY RHODES,)	
)	
Plaintiff,)	
)	
v.)	
)	
NEW ENGLAND COMPOUNDING)	
PHARMACY, INC. D/B/A NEW)	This Document Relates To:
ENGLAND COMPOUNDING CENTER,)	Civil Action No. 1:13-cv-10504-FDS
)	
and)	
)	
CARILION SURGERY CENTER)	
NEW RIVER VALLEY, LLC D/B/A)	
NEW RIVER VALLEY SURGERY)	
CENTER, LLC)	
)	
Defendants.)	

**PLAINTIFF'S NOTICE OF DISMISSAL OF DEFENDANT
CARILION SURGERY CENTER, LLC D/B/A
NEW RIVER VALLEY SURGERY CENTER, LLC**

Plaintiff Constance Gay Rhodes, by counsel, represents to the Court that defendant Carilion Surgery Center New River Valley, LLC d/b/a New River Valley Surgery Center, LLC has not yet served either an Answer or a Motion for Summary Judgment in this action. Plaintiff hereby files this Notice of Dismissal, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, dismissing Carilion Surgery Center New River Valley, LLC d/b/a New River Valley Surgery Center, LLC from this action without prejudice to any subsequent action the plaintiff may institute against

Carilion Surgery Center New River Valley, LLC d/b/a New River Valley Surgery Center, LLC in any Court of competent jurisdiction.

Plaintiff further represents to the Court that it is plaintiff's intention that this action continue as to any and all claims remaining against defendant New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center.

Respectfully submitted,

CONSTANCE GAY RHODES

By: /s/ Jeffrey Travers

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Seen and Agreed:

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*Counsel for Carilion Surgery Center New River Valley, LLC
d/b/a New River Valley Surgery Center, LLC*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 3rd day of October 2013, a true and exact copy of the foregoing was filed with the Clerk of the Court using the CM/ECF filing system, thereby providing electronic notice to michael.gardner@leclairryan.com, fconnor@bartongilman.com, kwhittle@bartongilman.com, counsel for defendant Carilion Surgery Center New River Valley, LLC d/b/a New River Valley Surgery Center, LLC, and to rebecca.herbig@bowmanandbrooke.com, counsel for defendant NECC. Paper copies will be sent to those indicated as non registered participants on October 3, 2013.

/s/ Jeffrey Travers